

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

United States of America,)	
)	
Plaintiff,)	
vs.)	Case No. 04-0244-06-CR-W-FJG
Enrique Cazarez,)	
)	
Defendant.)	

ORDER

Pending before the Court is defendant's motion to suppress physical evidence (Doc. #414), filed February 1, 2005, and the government's response (Doc. #418), filed February 2, 2005.

On April 12, 2005, Chief United States Magistrate John T. Maughmer held an evidentiary hearing on the pending motion to suppress. Thereafter, on September 27, 2005, the Chief Magistrate entered a report and recommendation (Doc. #661) which recommended denying the above-mentioned motion. Defendant's objections to Chief Magistrate Maughmer's report and recommendation were filed on October 12, 2005 (Doc. #677).

The Court, after independent review of the record and applicable law, adopts and incorporates by reference herein, the magistrate's findings and conclusions. Therefore, the Court finds that defendant's motion to suppress physical evidence (Doc. #414), filed February 1, 2005, must be denied.

Accordingly, it is

ORDERED that the magistrate's findings and conclusions are hereby adopted and incorporated herein by reference. It is further

ORDERED that defendant's motion to suppress physical evidence (Doc. #414), is denied.

/s/Fernando J. Gaitan, Jr.
Judge Fernando J. Gaitan, Jr.
United States District Judge

Dated: October 18, 2005
Kansas City, Missouri